

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 FEB -7 AM 9:58

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Case No. \_\_\_\_\_

BY

COMPLAINANT FOR VIOLATION OF

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Ricardo ORTIZ-Villaseñor )

Defendant. )

Title 8, U.S.C., Section 1326

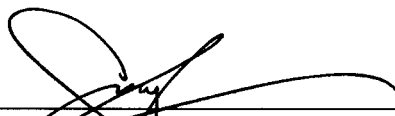
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **February 6, 2008**, within the Southern District of California, defendant **Ricardo ORTIZ-Villaseñor**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Sara Esparagoza / United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this 7<sup>th</sup> day of **February, 2008**.



UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On February 6, 2008 at approximately 5:00 AM, **Ricardo ORTIZ-Villaseñor (Defendant)** applied for admission into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through vehicle primary lane 14. Defendant was a front passenger of a green 1997 Dodge Neon. During pre-primary inspection before a Customs and Border Protection (CBP) Officer, the driver presented a Permanent Resident Card (I-551) for himself and another Permanent Resident Card (I-551) bearing the name Arturo ORTIZ-Garcia on behalf of Defendant. The pre-primary officer noticed Defendant and driver were imposters to the documents presented. Defendant and driver were taken into custody and escorted to secondary for a more thorough inspection.

In secondary, it was confirmed that Defendant and driver were imposters to the documents presented. Both were identified as Mexican citizens with no entitlements to enter or reside in the United States.

Defendant was queried by ten-digit fingerprint submission on the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS resulted in a positive match to the query, confirming Defendant's identity and linking him to Immigration and FBI records.

Immigration service records including the Deported Alien Control System (DACS) revealed that Defendant is a citizen of Mexico and had been previously removed from the United States to Mexico. DACS indicates Defendant was ordered deported, excluded or removed by an Immigration Judge from the United States to Mexico on or about July 27, 1995 and most recently deported, excluded or removed to Mexico on or about June 20, 2007 via the Calexico Port of Entry. Immigration service records contain no evidence that Defendant has applied or received permission from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to legally seek reapplication for admission into the United States.